



SPECIAL EDUCATION DIVISION
QUARTERLY REPORT
FIRST QUARTER 2006/2007 FISCAL YEAR
July 1, 2006 – September 30, 2006

Effective June 1, 2005, the Office of Administrative Hearings (OAH) entered into an interagency agreement with the California Department of Education (CDE) to administer the mandated special education dispute resolution program. That agreement obligates OAH to provide certain specified dispute resolution services in conformance with 20 U.S.C. section 1415 et seq., and California Education Code section 56500.1 et seq., as well as requires OAH to collect particular data on the operation of the program. OAH is obligated to report on that data quarterly. The program was previously administered by the University of the Pacific, McGeorge School of Law, Special Education Hearing Office (SEHO).

At CDE's request, OAH agreed to amend the agreement in two respects. First, OAH agreed to provide hearings for all cases in which a hearing was required and had not been commenced on or before the close of business on June 30, 2005. That included cases which had been filed with SEHO prior to July 1, 2005, and for which OAH was not responsible under the original agreement. Second, OAH agreed that commencing January 1, 2006, it would provide mediation services for all cases unresolved as of that date. That included cases which had been filed with SEHO prior to December 31, 2005, and for which OAH was not responsible under the original agreement.

Effective July 1, 2006, OAH has also been asked to collect additional data points that elaborates upon matters already reported on a quarterly basis.

I. Case Filings

The total number of new case filings for this quarter was 705.

	July	August	September	Total
Student Filed Cases	204	205	180	589
District Filed Cases	21	26	16	63
Expedited Cases	1	2	1	4
Mediation Only	19	15	15	49
Total	245	248	212	705

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Of the combined total of 705 new cases, the largest number involves the Los Angeles Unified School District with 262 cases or 37 percent of total cases filed. This is followed by San Diego City Unified School District with 26 new requests, Poway Unified School District with 15 requests and San Francisco Unified School District with 14 new requests. A complete breakdown by school district for the quarter is attached to this report. Also included in the breakdown is the number of parent requests per district.

Due process hearing requests are received from a variety of sources. Beginning July 1, 2006, CDE requested OAH collect data on the number of hearing requests in which parents and school districts were represented by attorneys.¹

Student(s) with Legal Representation	458
District(s) with Legal Representation	337

For new hearing requests, CDE also requested OAH collect data on the issues, identified student disability, and the age groups which generate due process hearing complaints².

Disability Categories³

	July	August	September	Total
Autism	44	54	84	182
Deaf-Blindness	0	0	1	1
Deafness	2	0	2	4
Hearing Impaired	2	5	3	10
Mental Retardation	5	11	10	26
Multiple Disabilities	4	8	4	16
Orthopedic Impairment	0	7	3	10
Serious Emotional Disturbance	18	10	14	42
Specific Learning Disability	24	42	30	96
Speech and Language	16	30	18	64
Traumatic Brain Injury	0	2	2	4
Visual Impairment	2	3	4	9
Other Health Impaired	38	28	37	103
Not Stated	64	71	62	197

¹ This data is collected based upon information provided at the time the case is closed, whether it be via settlement, withdrawal, or decision. Due to the shifting nature of representation in special education disputes, it is not possible to collect data at the time the request is filed. Consequently, it is not accurate to assume that the number of pro per cases filed each quarter can be calculated by subtracting the number of represented cases from the total number of cases filed.

² This data is collected based upon information available at the time the case is closed, whether it be via settlement, withdrawal, or decision. Due to the shifting nature of issues in special education disputes, it is not possible to collect data at the time the request is filed. Consequently, the data reported in this section will not correspond to the total number of new cases opened.

³ The number of disabilities will not equal the total number of cases because several cases identified multiple disabilities for the student.

Issues ⁴

Placement	1644
Goals and Objectives	348
Designated Instruction and Services	1188
Private Services	100
Mental Health Services	502
Discipline	53
Assessment	449
Reimbursement	610
Extended School Year	258
Compensatory Education	430
Eligibility	172

Age Group

	July	August	September	Total
PreSchool (<5)	36	38	44	118
Primary (5-12)	116	98	108	322
Junior High School (13-14)	37	29	32	98
High School (15-18)	57	57	53	167

II. Closed Cases

For this First Quarter, 665 cases were closed. These include cases that were dismissed, withdrawn by request of the parties, and those that were resolved successfully prior to or after hearing. Of the 665 cases closed during this quarter, 38 percent settled outside mediation and/or a resolution session and 30 percent settled in mediation, for a total settlement rate of 68 percent. Reporting by the parties on the success of the IDEIA mandated resolution session is inconsistent and only 63 cases (9 percent) were reported resolved in the mandated resolution session. A number of cases (16 percent) were withdrawn by the petitioner without a stated reason for withdrawal. A summary of the disposition status of these cases follows:

Settled Outside Mediation or Resolution Session	255
Settled in Mediation ⁵	198
Settled in Settlement Conference	1
Resolved through Resolution Session	63
Withdrawn by Petitioner	107
Dismissal Order by Administrative Law Judge	13
Dismissed via Notice of Insufficiency	16
Dismissed due to Inactivity	12
Total Number of Closed Cases	665

⁴ The data for this section reflects the multiple requests received per complaint. Each issue is counted and identified in the appropriate category.

⁵ Settlement during mediation is a case closure category, not a measure of success at mediation. For example, it does not encompass the significant number of matters that settled after progress toward settlement was made during mediation. Referral to the actual number of cases that reached impasse during mediation is a more accurate reflection of the success of mediation and is reflected in section III below.

III. Mediations.

OAH began holding mediations on January 1, 2006. Unless the parties indicate that mediation is waived, when a request for due process hearing is received, OAH schedules an initial mediation date. This quarter, 1095 mediations were scheduled.⁶ The parties proceeded on the initial mediation date in 602 cases and rescheduled the initial mediation date in 493 cases. In 36 cases, the parties waived mediation and in 198 cases, the parties cancelled mediation or did not appear at the mediation session. Lastly, 83 cases were resolved before mediation occurred.

Total Number of Mediation Requests	705
Number of Mediation-Only Requests	49
Number of Mediation requests related to Due Process Hearings	656
Number of Mediation-Only Requests Resolved through Mediation	31
Number of Mediations related to Due Process hearing resolved through Mediation ⁷	198
Total Number of Pending Mediations ⁸	1062

During this Quarter, OAH facilitated 396 mediation sessions. Of the 396 mediations held, 121 (31 percent) resulted in an impasse. Consequently, mediations held by OAH were successful in 69 percent of the cases. The overall breakdown is as follows:

Total Mediations	Final Agreement	Interim Agreement	No Agreement "Impasse"	In Principle	Continued
396	198	55	121	9	13

IV. Due Process Hearings.

During this Quarter, final due process hearing decisions were issued in 39 cases. Copies of all decisions have been provided to CDE and were posted on the OAH website. CDE has asked OAH to report data on the prevailing party in each case, the number of issues decided in favor of each party in a split decision, the number of represented parties, how long the hearings take, the average amount of time each party is using at hearing, and how many witnesses each party is calling at hearing. The breakdown of data is as follows.

⁶ This number reflects the total number of mediations scheduled which will not necessarily coincide with the number of case filings. Many cases have second and third mediation dates scheduled and therefore, the actual number of mediations held is greater than the number of case filings.

⁷ As discussed in footnote 2, this number reflects the use of mediation as a case closure category. The actual success of mediation is best measured through identification of the number of mediations that reached impasse and is discussed further in this report.

⁸ This number represents the total number of cases requested, less the number of cases settled. In actuality, the total number of pending mediation cases is a combination of the total number of cases reported previously plus the new filings reported here, less the number of closed cases.

Prevailing Party

	July	August	September	Total
Student Prevailed	1	0	2	3
District Prevailed	6	7	11	24
Split Decision	2	7	3	12

The cases with split decisions involved a total of 60 issues over 12 cases. In those cases, parents prevailed on a total of 30 issues and districts prevailed on 30 issues.

Represented Parties

	July	August	September	Total
Parent Attorney	3	9	11	23
Parent Advocate	3	0	2	5
Pro Per Parent	3	5	3	11 ⁹
District Attorney	8	14	16	39
District Advocate	0	0	0	0
Pro Per District	0	0	0	0

Hearing Dates, Time Used, and Witnesses

	July	August	September	Average ¹⁰
Total Number of Hearing Days	3.33	4.5	4.125	4.07
% time for Student Presentation of Case	58%	55%	56%	56%
% Time for District Presentation of Case	42%	45%	44%	44%
Number of Witnesses called by Student	3.5	4.5	5.06	4.25
Number of Witnesses called by District	4.2	4.1	4.36	4.25

Of the decisions issued, cases involving preschool students represented 5 percent of the cases heard, with 31 percent involving elementary school students, 31 percent involving middle school students, and 33 percent involving high school students. The issues for hearing involved students identified as specific learning disabled (9 cases), autistic-like (9 cases), other health impaired (17 cases), speech and language impaired (2 cases), orthopedically impaired (1 case), and multiple disabilities (1 case).

Of the 39 decisions issued, 28 (72 percent) were issued within the requisite timeframe and 11 were issued after the established timeline. The timeliness of decisions issued during the first quarter increased from 57 percent during the previous quarter to 72 percent.

⁹ In two cases the parent or another representative did not appear at the hearing.

¹⁰ The average is calculated based on the total number of decisions issued this quarter.

Specific hearing statistics are summarized below:

Total Number of Hearing Requests ¹¹	705
Number of Cases resolved through settlement	454
Number of Decisions Issued	39
Number of Decisions within 45 day timeline	3
Number of Decisions within extended timeline	24
Number of Decisions issued after timelines and extension expired	11
Number of pending matters ¹²	1062
Number of expedited Hearings	2
Number of Hearing Requests resolved without a hearing	665

V. Expedited Hearing Requests

For this quarter, OAH received 4 requests for expedited hearings. An expedited hearing is a hearing that involves a parent’s challenge to the school district’s determination that misconduct was not the “manifestation” of the student’s disability or challenges the disciplinary placement. Under the IDEIA, expedited hearings are to be held within 20 school days of the request for hearing. A decision in expedited cases is to be issued within 10 schools days after the hearing is concluded. Two cases proceeded to hearing on the expedited issues and two cases were settled without the need for a hearing. The specific statistics related to expedited hearings are as follows:

Total Number of Expedited Hearing Requests	4
Number of Settlement Agreements	2
Number of Expedited Hearings Held	2
Number of change of placement ordered	0

VI. Motions

Prehearing motions and Notices of Insufficiency (NOI) comprise a substantial amount of the work completed by administrative law judges. For this quarter, 464 prehearing motions and 179 NOIs were considered and ruled upon by OAH. CDE has asked OAH to collect data on the party filing the motion or NOI, the prevailing party on the motion, and the number of parent cases dismissed for insufficiency.

Notice of Insufficiency

	July	August	September	Total
NOI	48	42	40	130
Second NOI	17	16	11	44
Third NOI	1	3	0	4
Fourth NOI	0	0	1	1

¹¹ This number represents the total number of new cases requested.

¹² As discussed in footnote 8.

Motions

Type of Motion	July	August	September	Total
Add Party	5	2	2	9
Amend Complaint	7	8	9	24
Clarification	1	0	2	3
Compel	0	1	1	2
Consolidate	1	8	6	15
Continue	17	13	16	46
Dismiss Case	10	16	17	43
Dismiss Party	2	4	0	6
Dismiss Issues	3	3	2	8
Expedite	1	0	4	5
Extend Time	3	3	0	6
OSC	0	0	2	2
Quash	0	3	2	5
Reconsideration	7	5	6	18
Reopen	0	1	0	1
Resolution Session	0	1	2	3
Sanctions	3	2	2	7
Stay Put	17	25	28	70
Miscellaneous	5	2	3	10
Total	149	158	157	464

Filing Party and Prevailing Party

	July	August	September	Total
Number of NOIs filed by Student	0	3	4	7
Number of NOIs filed by District	66	58	48	172
Number of Student NOIs granted	0	0	0	0
Number of Student NOIs granted in part	0	0	1	1
Number of District NOIs granted	34	20	18	72
Number of District NOIs granted in part	10	11	9	30
Number of Student filed motions	41	58	67	166
Number of District filed motions	42	39	38	119
Number of Student Motions granted	16	17	18	51
Number of Student Motions granted in part	10	0	0	10
Number of District Motions granted	13	16	9	38
Number of District Motions granted in part	1	4	2	7

VII. INTERPRETERS

CDE has requested OAH collect data on the number of non-English students accessing the due process system as well as the number of students of color accessing the system. OAH does not currently have a system in place to collect data related to the number of students of color accessing the system. Tracking the number of non-English speaking students accessing the system is also problematic. Currently, the best measure for the number of non-English speaking students accessing the system is via a report on the number of interpreters requested. Over the next quarter OAH will be working to establish systems to request information relating to both categories.

During this quarter, the assistance of an interpreter was requested in 68 cases. Of those requests, 56 were from the greater Los Angeles area, three were from the San Diego/South Bay area, and six were from the Northern California area. The largest number of requests was for Spanish interpretation with 54 requests, followed by two American Sign Language, two Korean, two Cantonese, and one each for Farsi, Thai, Vietnamese, and Tagalog

VIII. TRANSCRIPT REQUESTS

CDE has requested OAH collect and report data on the number of cases appealed. OAH is not always notified when a case is appealed. Requests for transcripts are not an accurate picture of the total number of cases appealed because provision of a transcript does not necessarily relate to the filing of an appeal. Absent notification from the court or parties, it is not possible for OAH to report how many cases are appealed.

OAH received 37 requests for transcripts during this quarter. OAH was named as a party in 7 appeals and 1 other was filed but did not name OAH. Currently 11 cases are pending appeal throughout California.

IX. PENDING CASES

At the present time, there are 1062 matters pending before OAH.

ATTACHMENT

Cases Opened 7/1/2006 thru 9/30/2006

School District	Parent Filed	District Files	Total Filed
LOS ANGELES U.S.D.	261	1	262
SAN DIEGO U.S.D.	25	1	26
POWAY U.S.D.	11	4	15
SAN FRANCISCO U.S.D.	14	0	14
CAPISTRANO U.S.D.	7	6	13
CORONA-NORCO USD	9	1	10
IRVINE U.S.D.	7	3	10
LONG BEACH U.S.D.	9	0	9
NEWPORT-MESA USD	5	3	8
ELK GROVE U.S.D.	6	1	7
MT. DIABLO USD	6	1	7
SACRAMENTO CITY U.S.D.	6	0	6
ORANGE USD	5	0	5
PASADENA U.S.D.	5	0	5
SAN JUAN U.S.D.	5	0	5
SANTA ANA U.S.D.	4	1	5
TORRANCE U.S.D.	4	1	5
WEST CONTRA COSTA USD	4	1	5
ARCADIA U.S.D.	4	0	4
BUENA PARK S.D.	2	2	4
CULVER CITY U.S.D.	4	0	4
DOWNEY U.S.D.	4	0	4
ETIWANDA S.D.	4	0	4
GARDEN GROVE U.S.D.	4	0	4
GATEWAY U.S.D.	4	0	4
GLENDORA U.S.D.	4	0	4
MANHATTAN BEACH U.S.D.	2	2	4
OAKLAND U.S.D.	4	0	4
PLACENTIA-YORBA LINDA U.S.D.	4	0	4
RIVERSIDE U.S.D.	3	1	4
SANTA MONICA-MALIBU USD	4	0	4
TUSTIN U.S.D.	3	1	4
VALLEY CENTER U.S.D.	3	1	4
YUCAIPA-CALIMESA JT. U.S.D.	4	0	4
ABC U.S.D.	3	0	3
ANAHEIM CITY S.D.	2	1	3
ANTELOPE VALLEY U.H.S.D.	3	0	3
BELLFLOWER U.S.D.	3	0	3
BEVERLY HILLS U.S.D.	2	1	3
BONITA U.S.D.	3	0	3
COMPTON U.S.D.	3	0	3
FULLERTON JOINT UNION H.S.D.	3	0	3
HAYWARD U.S.D.	3	0	3
LANCASTER S.D.	2	1	3
LAS VIRGENES U.S.D.	3	0	3
PALOS VERDES PENINSULA USD	1	2	3
RESCUE UNION E.S.D.	2	1	3
SADDLEBACK VALLEY U.S.D.	3	0	3

Cases Opened 7/1/2006 thru 9/30/2006

School District	Parent Filed	District Files	Total Filed
SAN JOSE USD	2	1	3
SAN LUIS COASTAL U.S.D.	2	1	3
SAN MATEO UNION HSD	3	0	3
SAN RAMON VALLEY U.S.D.	3	0	3
SIMI VALLEY U.S.D.	3	0	3
ALAMEDA USD	2	0	2
ALHAMBRA S.D.	2	0	2
AMADOR CO. USD	2	0	2
BERKELEY U.S.D.	2	0	2
CAJON VALLEY U.S.D.	2	0	2
CHULA VISTA E.S.D.	2	0	2
COLTON JOINT U.S.D.	2	0	2
COVINA-VALLEY U.S.D.	2	0	2
DUBLIN U.S.D.	1	1	2
EL SEGUNDO U.S.D.	2	0	2
ENCINITAS U.S.D.	1	1	2
ESCONDIDO U.S.D.	2	0	2
GARVEY S.D.	2	0	2
GLENDALE U.S.D.	2	0	2
GROSSMONT UNION H.S.D.	1	1	2
INGLEWOOD U.S.D.	2	0	2
LUCIA MAR U.S.D.	2	0	2
MARTINEZ U.S.D.	2	0	2
MONTEBELLO USD	0	2	2
NEW HAVEN U.S.D.	2	0	2
OAK GROVE S.D.	2	0	2
OCEAN VIEW S.D.	2	0	2
ORANGE CO. DEPT. OF ED.	1	1	2
PALO ALTO U.S.D.	2	0	2
REDONDO BEACH U.S.D.	2	0	2
RIALTO U.S.D.	1	1	2
ROMOLAND S.D.	1	1	2
ROSEVILLE E.S.D.	2	0	2
SAN DIEGUITO UNION H.S.D.	2	0	2
SAUGUS UNION S.D.	0	2	2
TAMALPAIS UNION H.S.D.	2	0	2
TURLOCK U.S.D	1	1	2
VISTA U.S.D.	2	0	2
WEST COVINA USD	2	0	2
WHITTIER UNION H.S.D.	1	1	2
WOODLAND JT. U.S.D.	2	0	2
ACALANES U.H.S.D.	1	0	1
ALVORD U.S.D.	1	0	1
BAKERSFIELD CITY S.D.	1	0	1
BASSETT USD	1	0	1
BEAUMONT U.S.D.	1	0	1
BUCKEYE S.D.	1	0	1
BURBANK U.S.D.	1	0	1

Cases Opened 7/1/2006 thru 9/30/2006

School District	Parent Filed	District Files	Total Filed
BYRON UNION S.D.	1	0	1
CARLSBAD U.S.D.	1	0	1
CENTINELA VALLEY U.H.S.D.	1	0	1
CENTRALIA S.D.	1	0	1
CHAFFEY JT. U.H.S.D.	1	0	1
CHINO VALLEY U.S.D.	1	0	1
CLOVIS U.S.D.	1	0	1
COALINGA-HURON JT. U.S.D.	1	0	1
CUPERTINO UNION S.D.	1	0	1
DAVIS JT. U.S.D.	1	0	1
DESERT SANDS U.S.D.	1	0	1
DIXIE E.S.D.	1	0	1
DRY CREEK JT. E.S.D.	1	0	1
EAST SIDE UNION H.S.D.	1	0	1
EAST WHITTIER CITY S.D.	1	0	1
EL DORADO U.H.S.D.	1	0	1
EVERGREEN S.D.	1	0	1
FAIRFIELD SUISUN U.S.D.	1	0	1
FALLBROOK U.H.S.D.	0	1	1
FALLBROOK UNION E.S.D.	1	0	1
FRANKLIN MCKINLEY S.D.	1	0	1
FRESNO U.S.D.	1	0	1
HESPERIA U.S.D.	1	0	1
HIGH TECH MIDDLE MEDIA ARTS	0	1	1
HUNTINGTON BEACH CITY S.D.	1	0	1
HUNTINGTON BEACH U.H.S.D.	1	0	1
KONOCTI U.S.D.	1	0	1
LA CANADA U.S.D.	1	0	1
LAKE ELSINORE U.S.D.	1	0	1
LIVE OAK E.S.D (SANTA CRUZ)	1	0	1
LIVERMORE VALLEY JT. USD	1	0	1
LOS BANOS USD	0	1	1
LYNWOOD USD	1	0	1
MOJAVE UNIFIED S.D.	1	0	1
MONROVIA U.S.D.	0	1	1
MONTEREY PENINSULA USD	1	0	1
MOOR PARK U.S.D.	1	0	1
MOUNTAIN VIEW-WHISMAN SD	0	1	1
NATOMAS U.S.D.	1	0	1
NORTH MONTEREY CO. U.S.D.	1	0	1
NORWALK/LA MIRADA U.S.D.	1	0	1
NOVATO U.S.D.	1	0	1
OAK PARK USD	1	0	1
ONTARIO-MONTCLAIR S.D.	1	0	1
ORANGE CO. HEALTH CARE AGENCY	1	0	1
ORINDA UNION S.D.	0	1	1
PACIFIC GROVE U.S.D.	1	0	1

Cases Opened 7/1/2006 thru 9/30/2006

School District	Parent Filed	District Files	Total Filed
PACIFICA SCHOOL DISTRICT	1	0	1
PALMDALE S.D.	1	0	1
PALO VERDE U.S.D.	1	0	1
PARAMOUNT U.S.D.	1	0	1
PERRIS E.S.D.	1	0	1
PERRIS U.H.S.D.	1	0	1
PETALUMA JT. UNION H.S.D.	1	0	1
PIEDMONT U.S.D.	1	0	1
PIONEER U.E.S.D. HANFORD	0	1	1
PLEASANT VALLEY SD (CAMARILLO)	0	1	1
PLEASANTON U.S.D.	1	0	1
RANCHO SANTA FE S.D.	1	0	1
REDWOOD CITY E.S.D.	1	0	1
RIO LINDA UNION S.D.	0	1	1
RIPON UNIFIED S. D.	1	0	1
ROCKLIN U.S.D.	1	0	1
ROSEDALE UNION E.S.D.	0	1	1
ROWLAND U.S.D.	1	0	1
SALIDA U.S.D.	0	1	1
SALINAS UNION H.S.D.	1	0	1
SAN BERNARDINO C.C.D.	1	0	1
SAN BRUNO PARK S.D.	1	0	1
SAN GABRIEL U.S.D.	1	0	1
SAN LEANDRO U.S.D.	1	0	1
SAN MATEO-FOSTER CITY S.D.	1	0	1
SAN YSIDRO S.D.	1	0	1
SANTA CLARA USD	1	0	1
SANTA MARIA JOINT U.H.S.D.	1	0	1
SANTA ROSA CITY SCHOOLS	1	0	1
SANTEE S.D.	1	0	1
SEQUOIA U.H.S.D.	1	0	1
SHANDON JT. U.S.D.	1	0	1
SOUTH PASADENA U.S.D.	1	0	1
STANISLAUS UNION E.S.D.	0	1	1
STOCKTON U.S.D.	1	0	1
SULPHUR SPRINGS U.S.D	1	0	1
SWEETWATER UNION H.S.D.	1	0	1
SYLVAN UNION S.D.	1	0	1
TEMECULA VALLEY U.S.D.	1	0	1
TWIN RIDGES E.S.D.	1	0	1
UNION S. D.	1	0	1
VACAVILLE U.S.D.	1	0	1
VALLEJO CITY U.S.D.	1	0	1
WESTSIDE UNION E.S.D.	1	0	1
WHITTIER CITY S.D.	1	0	1
WILLIAM S. HART UHSD	1	0	1